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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,753	09/17/2003	Keiichi Keyaki	05711.0157	3823

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EXAMINER

LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,753

Applicant(s)

KEYAKI ET AL.

Examiner

Jack W. Lavinder

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation “which is inclined from a leading end of a shoulder opening side of the flange toward a shoulder opening” is indefinite. How can a shoulder opening side have a leading end? The phrase “shoulder opening side” defines a side relative to the shoulder opening and not an element of the slider. Also, assuming that the leading end of a shoulder is on the opening side of the shoulder opening, how can the leading end of the shoulder, which defines the shoulder opening, be inclined toward the shoulder opening? How can it be inclined relative to itself?

Regarding claim 5, the limitation of “the down-grade slope disposed between the flange and the side wall is formed such that a longitudinal sectional shape of the side wall is linear” is indefinite. The down-grade slope is not disposed between the flange and the side wall. The slope (22) is disposed between the flange (15) and the bottom plate (13). Also, it is not clear how the location of the down-grade slope allows for the formation of a linear “longitudinal sectional shape of the side wall.”

Regarding claim 6, it is not clear what the phrase “the longitudinal section shape of the side wall is curved” is referring to. What element of the sidewall is the claim directed to? From viewing the drawings, the sidewall doesn't appear to have a longitudinal curved section.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art (figure 14 of specification).

Figure 14 discloses a slider having sidewalls (114) erected on both sides of a bottom plate (113), flanges (115) formed on the sidewalls, and a down grade slop (at 151) inclined from a leading end of a shoulder (151) toward an opening on the right end of the slider.

Another interpretation of figure 14 would be that the shoulder openings formed by the flanges and the bottom plate are facing each other toward the center of the slider. In view of this, the leading end (151) is a down grade slope defined by the curved endmost part of the leading end, i.e., the leading ends (151) of both shoulders curve inwardly toward the center of the slider, which is considered a down grade slope. Unless the incline and down directions are defined relative to the slider, down and up directions can be defined relative to some distant reference point.

Regarding claim 3, figure 14 discloses the leading end (151) being tilted toward a rear mouth side (right side of figure 14) with respect to a side face of a guide post (116).

Regarding claim 4, figure 14 disclose a shaft hole for receiving the mounting shaft of a pull. The shaft hole is located at the starting point of the slope of the leading end of the shoulder (151).

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Regarding claim 5, figure 14 discloses a linear sidewall (114) and a down grade slope at 151 disposed between the flange and the sidewall inasmuch as applicant's down grade slope is disposed between the flange and the sidewall.

Regarding claim 6, figure 14 discloses a top portion of the sidewall (114) curves into the flange and the bottom plate.

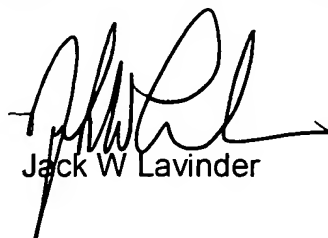
Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder

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Primary Examiner
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4/22/05